

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING
ON MONDAY, JULY 3, 2006.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:32 pm. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Ms. Crump, Mr. Messer, Mr. Seabrook, and President Jeff Gahan. Mr. Blevins was not present.

OTHERS: City Attorney Shane Gibson and Deputy City Clerk Vicki Glotzbach.

ALSO: John Rosenbarger, Adam Dickey, Scott Wood, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

CALL TO ORDER:

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Schmidt moved to approve the corrected June 15 meeting minutes, Mr. Price second, all voted in favor.

Mr. Coffey stated that he had a correction on the second page during the communications from city officials. He stated that his point was that the city's money needs to be used in other areas not that the departments are not being run properly.

Mr. Messer asked if it was said.

Mr. Coffey stated that he did not say it that way and felt that he had been misunderstood. He feels that the departments are doing the best they can with the manpower and resources that they have.

The June 15 minutes were tabled until next meeting.

Ms. Crump motioned to move CF1s forward, Mr. Coffey second, all voted in favor.

APPROVAL OF CF-1 FORMS:

Clark Foods, Inc. (American Beverage Marketers)
Compliance with Statement of Benefits, Referencing
R-98-19, R-99-02, R-00-09, R-01-29 and R-03-20

Mr. Seabrook motioned to approve, Mr. Coffey second, all voted in favor.

COMMUNICATIONS – PUBLIC:

David Huckleberry was present to speak about R-06-20 to do away with the property tax backing and stated that it should have never been done that way. He referred to articles in the paper that showed that New Albany has the 2nd highest tax rate in the area with the 2nd lowest incomes. He stated that additional EDIT money on the Green Valley project is not good either. He stated that at the last council meeting there was a resolution presented by Mr. Coffey for an audit and we need to get a handle on the money situation. He stated that there are still issues over ownership of the property for Scribner Place. He also referred to the article that stated that Mr. Blevins job was threatened and that type of intimidation happens on the third floor all of the time.

Thomas J. Ford, East Spring Street, presented questions about Scribner Place. He asked how many people on the council had rental properties because he had heard that a lot of those people aren't interested in seeing the city grow. He doesn't see why we don't just stay with what we started with. He just wants to see the city move forward. He stated that he is confused about the resolution to hire a full time city attorney. He asked about the new sewer committee and stated that he did not like the idea of paying out more money.

There was a lengthy discussion regarding the storm water board and the fact that the salaries were taken out of the ordinance.

Mr. Seabrook explained to Mr. Ford that this came about due to an unfunded federal mandate and he doubts if they find an engineer to volunteer for the position. He said that there is a chance that the engineer position will be paid.

Mr. Price stated that he does own rental property and he is not against seeing the city grow. He explained that he is concerned about the debt to income ratio and he doesn't feel comfortable with the city not having an emergency funding. He stressed that the city lives hand to mouth and he doesn't feel comfortable. He also stated that the city is cosigning for the funds and he doesn't cosign for anyone.

Cathy Wicke was present to represent the communication workers. She explained that they are long overdue in receiving a raise. She explained how the 911 operator has always been put last on the list in the budget and how important those jobs are and the certifications that are required to hold the job.

Irvine Thomas, Ekin Avenue, explained how he is upset because he pays \$136 per year for trash pickup. He presented pictures to the council of garbage that he called to have picked up and was told that it would take six weeks. He feels that someone needs to get on the ball and get the trucks back on routes. He stated that a time study is what is needed to have an effective program.

Mr. Messer asked if they are rental properties or owned properties.

Mr. Thomas stated that he believed they were both.

Mr. Coffey stated that the city is supposed to provide containers and recycle bins.

Ms. Yvonne Kersey spoke in favor of R-06-20. She expressed concern over the DROP program coming up next year because they may need to look at an excess levy to pay that next year. She also explained that she was checking with the Public Access Counselor to see if it was appropriate for some people to receive R-06-20 prior to the packets going out.

Courtney Paris asked that the council not rescind the money that has been pledged to Scribner Place. She gave a lengthy statement regarding her hope for the future of New Albany.

Dan Cannon, 2310 Morton Avenue, gave a lengthy statement regarding the need for people to be willing to pay more for the services needed in the city in order to have a safe, clean city.

Pat Howard, LifeSpan Resources spoke in favor of Scribner Place. She stated that they have joined with YMCA in a joint capital campaign and will occupy 8,000 square feet. She went over the many programs that they will offer the community.

Jane Alcorn, Develop New Albany, spoke in favor of Scribner Place and presented a petition of supporters. Said petition is on record in the city clerk's office. She also wanted to clarify the set up of the White House Center.

Lloyd Wimp was present to express his opposition of the city hiring a full time attorney and felt that it would better serve the city to use the funds to properly staff the city attorney's office with paralegal help and administrative help. He then spoke in favor of the Scribner Place Project

SEWER BOARD REPORT

Mr. Kochert reported that after Wednesday there should be more to report.

Mr. Seabrook stated that there was a meeting with the State Revolving Fund but there were no results yet.

Mr. Schmidt asked if the bar screen has been finished.

Mr. Seabrook replied yes and informed him that there were two bar screens.

Mayor Garner stated that number 2 is finished and that number 1 is being worked on.

Mr. Gahan asked where they stood on the Robert E. Lee Line. He has heard conflicting information regarding the funding.

Mr. Kochert stated that no decisions have been made as of yet.

Mr. Seabrook stated there is going to be \$800,000 but there is a question as to how much they can pay at one time.

Mr. Price asked if the sewer board was going to try to get the \$540,000 from the EDIT Funds for the inner city sewer lines.

Mr. Coffey asked how the sewer utility is supposed to get the \$540,000 that is owed out of EDIT. He stated that if we don't put that money back then the citizens pay that money twice. The sewer is owed \$540,000 out of EDIT and that should be done.

Mr. Kochert stated that there is more money than \$540,000 that is owed back because this has been going on for years. He stated that from now on they are going to do the right thing and take the proper money from the proper account.

Mr. Seabrook stated that this was the purpose of the audit. He went on to discuss the \$5,000,000 that was diverted to support the sanitation department.

Mr. Coffey asked if when we pay our property taxes there is a sanitation fee on it.

Mr. Seabrook stated that he believes there has been a sanitation fee on property taxes that goes all the way back to the Hunter administration. He went on to explain that later it was found out that the property taxes was not enough to pay for the services and that is where the fees came into play.

Mr. Coffey stated that they needed to come up with a way to pay that back and then learn to live within a budget and not continue to come up with new and higher fees for the citizens.

COMMUNICATIONS – CITY OFFICIALS:

Mr. Price stated that it is not just the landlords setting out tenants' stuff that is causing a problem in the alleys and he knows of stuff that has set out in alleys for months. He also stated that in a '04 article it was stated that they were going to go back to a route so they are not crisscrossing the city but that is what they are still doing.

Ms. Crump stated that she knows it is an issue but there is a real problem with manpower in that department.

Mr. Messer stated that there is a problem with dumping in the city sometimes because people don't have anywhere to take stuff.

Mr. Seabrook asked about the city getting a permit for a transfer station.

Mayor Garner stated that the city never had a proper permit for a transfer station. He informed them that there is a roll off at the Street Department for yard waste only and they can take other items to the land-fill or Bico transfer station.

Mr. Coffey stated that since the City privatized the city is getting a lot more dumping that is not being picked up. He also expressed a need for a tow in lot.

Mr. Gahan requested a 2007 budget from the sewer board along with a capital project list for 2007 and a firm recommendation from the Sewer Board for the new rate. He stated that after they receive those, they would be willing to meet with Umbaugh.

Mr. Fifer stated that he understands and he will get those to them for the July 20 meeting. He said he is not sure about a 2007 budget but he can get them the capital projects list and after they receive that information he can help facilitate a meeting.

Ms. Crump stated that she is having a hard time understanding what EMC bid to get done for \$44,000,000.00.

Mr. Fifer explained that EMC was not hired to do the work but to manage the project. He then gave an extensive history of the sewer project.

There was a lengthy discussion regarding the sewer project and the costs incurred.

Mr. Rosenbarger spoke about R-06-19 and stated that the latest statement of benefits have been cut to five years. He also spoke about R-06-20 and stated that if it is adopted tonight, the project would die.

Mr. Seabrook stated that he read in the paper that the city is doing everything possible to help the YMCA with funding and he wanted to make sure that city has not taken on any more financial responsibility.

Mr. Rosenbarger explained how they are helping the YMCA obtain funding but that the city is not taking on any more debt in order to do so.

Ms. Crump stated that she sits on the Caesar Board and Caesar's does have concerns with what the city is going to do on this project and assured everyone that their money is there.

There was a lengthy discussion regarding the city's agreement with the YMCA and the city's financial obligation for Scribner Place.

COMMUNICATIONS – MAYOR:

Mayor Garner went over the schedule for the 4th of July celebration. He also informed the council that an injunction was filed against Denny Andres on Corydon Pike. He reiterated what Mr. Rosenbarger said about R-06-20 and that it would kill the Scribner Place Project. He went on to explain that if this were to happen that the Redevelopment Commission would have to pay back the \$1.5 million that they have already received.

Mr. Kochert asked him if he would guarantee that the bond payments would be no more than \$137,500.

Mayor Garner stated that if the bonds were sold today with the property tax backup it would be \$137,500, but if the bond is sold 30 days from now and the interest rates go up it will be more.

Mr. Schmidt stated that in the minutes of September 8, 2005 the Mayor suggested that the resolution amount be \$263,000 but they do not show a member of the council making that motion.

There was a lengthy discussion regarding the amount of the resolution.

APPOINTMENTS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-06-19 Resolution Concerning Statement of Benefits
For Ideal Wood Products, Inc., by the Common
Council of the City of New Albany

Mr. Messer motioned to change the abatement from ten to five years, Ms. Crump second, all voted in favor.

Mr. Messer introduced R-06-19 as amended for reading, Mr. Seabrook second, all voted in favor with the exception of Mr. Blevins who was not present.

R-06-20 City of New Albany Resolution No. R-06-20

Mr. Schmidt introduced R-06-20 for reading, Mr. Coffey second.

Mr. Coffey stated that for many months he has listened to many people talk about what they thought he was saying and that this has nothing to do with whether kids or people from his district are going down it has to do strictly with money. He stated that this is the only YMCA in the State funded by the tax payers. He went on to discuss government waste and organization that come to the city for money without looking for others ways to get the funds.

There was a lengthy discussion regarding the property tax backing and funding for the project.

Ms. Glotzbach read the resolution in it's entirety and the resolution did not pass with Mr. Coffey, Mr. Schmidt and Mr. Price voting aye; and Mr. Kochert, Mrs. Crump, Mr. Messer, Mr. Seabrook and Mr. Gahan voting nay. Mr. Blevins was not present.

Mr. Schmidt excused himself from the meeting due to illness.

Z-06-17 An Ordinance for the Vacation of a Public Way Blevins
Pursuant to a Petition filed by New Albany-
Floyd County School Corporation

Mr. Price introduced Z-06-17 and motioned for first reading, Mr. Coffey second, all voted in favor with the exception of Mr. Schmidt and Mr. Blevins who were not present.

Z-06-18 Ordinance Amending the Code of Ordinances of
New Albany, IN Title XV, Chapter 156, (Docket
P-11-06: Sprigler Development Co., Inc.)

Ms. Glotzbach read a statement from Mr. Kraft asking that this item be moved to the second city council meeting in July.

G-06-11 Ordinance to Establish the Position of a Full Time
City Attorney for the City of New Albany Indiana

Mr. Coffey introduced G-06-11 and motioned for the second reading only, Mr. Price second,

There was a lengthy discussion as to why there was a need for a full time city attorney and whether or not it would be more beneficial to increase the city attorney's staff.

The question was called and the bill did not pass with Mr. Coffey, Mr. Price and Mr. Kochert voting aye; and Mrs. Crump, Mr. Messer, Mr. Seabrook and Mr. Gahan voting nay. Mr. Schmidt and Mr. Blevins were not present.

ADJOURN:

There being no further business before the council, the meeting adjourned at 9:35 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Vicki Glotzbach, Deputy City Clerk